

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PRADYUMNA KUMAR SAMAL,

Petitioner,

v.

ISRAEL JACQUEZ, *et al.*,

Respondents.

CASE NO. 2:23-cv-00092-TSZ-GJL

ORDER GRANTING MOTION TO
AMEND PETITION

The District Court has referred this action filed pursuant to 28 U.S.C. § 2241 to United States Magistrate Judge Grady J. Leupold. Currently pending before the Court is Petitioner Pradyumna Kumar Samal's Motion to Amend his Petition. Dkt. 13. For the reasons stated herein, the Court grants the Motion to Amend.

I. BACKGROUND

On January 17, 2023, Petitioner, proceeding *pro se*, filed a Petition pursuant to 28 U.S.C. § 2241 requesting the Court direct the Bureau of Prisons ("BOP") to apply 365 days of earned time credits under the First Step Act of 2018 ("FSA") to his sentence. Dkt. 4. On March 29, 2023, the Court directed service of the Petition. Dkt. 6.

Respondents filed a Response to the Petition on April 18, 2023, indicating that, since the filing of the Petition, the 365 days of FSA credits have been applied to Petitioner's sentence. *See* Dkts. 11, 11-1. In response, Petitioner filed the instant Motion to Amend his Petition on April 24, 2023, contending he should be immediately released to home confinement because, with the additional earned time credits, his release date would have been May 1, 2023.

II. DISCUSSION

A habeas petition may be amended as provided by Rule 15 of the Federal Rules of Civil Procedure. *Mayle v. Felix*, 545 U.S. 644, 649 (2005). Pursuant to Rule 15(a),

(1) *Amending as a Matter of Course*

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) *Other Amendments*

In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Here, Respondents filed a Response to the Petition on April 18, 2023. Dkt. 11. Petitioner filed his Motion to Amend the Petition 6 days later, on April 24, 2023. Dkt. 13. Hence, Petitioner may amend his Petition as a matter of course pursuant to Rule 15(a)(1)(B).

Accordingly, it is hereby **ORDERED** that:

1) Petitioner's Motion to Amend (Dkt. 13) is **GRANTED**.

2) The Clerk's Office is directed to docket Dkt. 13, pp. 2–38, as Petitioner's Amended 2241 Petition for Writ of Habeas Corpus.

3) As Petitioner has filed an Amended Petition, the Response to the original Petition (Dkt. 11) is **DENIED AS MOOT**.

1 4) Respondents are directed to file an Answer to the Amended Petition for Writ of
2 Habeas Corpus on or before August 11, 2023. On the face of the Answer, Respondents shall note
3 it for consideration on September 8, 2023, and the Clerk shall note the Answer accordingly.
4 Respondents shall serve a copy of the Answer upon Petitioner.

5 5) Petitioner may file and serve a Reply not later than the Monday immediately
6 preceding the Friday appointed for consideration of the matter, and Respondents may file and serve
7 a reply brief not later than the Friday designated for consideration of the matter.

8 Dated this 21st day of July, 2023.

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11 Grady J. Leupold
12 United States Magistrate Judge
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